

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

June 18, 2013

POST SUMMARY MINUTES

PRESENT: Chairman Jeffrey E. Turner, Vice-Chairman Michael Edmondson, Commissioner Sonna Singleton, Commissioner Gail Hambrick, Commissioner Shana M. Rooks, and Clerk Shelby D. Haywood.

1. Chairman Turner called the meeting to order.
2. Invocation was led by Pastor Arlene Williams of the Forest Park Ministers' Association. Pledge of allegiance to the flag was led by Chairman Turner.
3. Amended the agenda by deleting item #8 (Budget Amendment # 2-71 – Other General/FYE 6-30-13, in the amount of \$50,494.00, to provide funds for pension expense that should have been paid by the County) and deleting #12 (Resolution 2013 -160 – A Resolution to provide further clarification for the general oversight of Constituent Aides in the office of the Board of Commissioners; to repeal conflicting resolutions; to provide an effective date of this resolution; and for other purposes.) Clerk Haywood noted that the Board will be voting on giving Chairman Turner authorization to appoint a hearing officer for bid protest matters. She also noted that the Executive Session tonight pertained to a litigation matter. The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the June 11, 2013 Regular Business Meeting minutes. Vote unanimous.
5. PUBLIC COMMENT: Citizens will be given a three (3)-minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Following thirty minutes of hearing from the public, the Board of Commissioners will allow the remainder of citizens who have signed up to be heard at the next Tuesday business meeting.

1) Dr. Henry Anderson, a Clayton County resident, requested that the Board increase the Fiscal Year 2014 budget of the Clayton County Police Department higher than its Fiscal Year 2013 budget or at least restore the budget back to the Fiscal Year 2013 levels. He emphasized the budget amounts from Fiscal Year 2013 (\$25,112,250.00) and Fiscal Year 2014 (\$24,773,847.00) decreased by \$338,703.00. Dr. Anderson presented facts from various newspaper articles he had given Clerk Haywood to support his request. He read an excerpt from **The Wall Street Journal Newspaper** article “**Crime Migrates to Suburbs**,” (dated December 30, 2012), quoting Chairman Turner as he was running for the Clayton County Commission, “*When he takes office in January, he plans to push the commission to boost police funding to crack down on violent crime.*” He also presented an article

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from **Clayton News Daily** dated August 15, 2012 and entitled “**Run-off candidates make their case,**” quoting the then Chairman candidate Jeff Turner’s response when asked, “Do you feel there is wasteful spending in the county’s budget?” Dr. Anderson quoted him as responding “***I personally feel that there's not any waste in the county's 2012 budget. The state requires that the county pass a balanced budget, which we have; however, with that being said the one area that I would have increased funding for would have been for our courts and public safety departments. I feel that we need to strengthen our law enforcement efforts to ensure that our citizens are safe and feel safe where they live, work and play.***” He noted that the current budget does not reflect any of this. Dr. Anderson recognized Commissioner Singleton’s statement from **Clayton News Daily** dated June 14, 2013 in requesting that Chief Financial Officer Ramona Thurman and her staff amend the budget to be about \$178 million, with \$6 million to be transferred from the county’s fund balance for personnel. She indicated in her email that some of the positions are for law enforcement officers. He continued to present an article from **Clayton News Daily**, entitled “**Clayton County Magistrate Court among busiest in state**” where in Clayton County, sixty-eight percent (68%) of properties are rented out, and evictions ranked highest in that state. Magistrate Judge Daphne Walker quoted “***We have to face facts that 68 percent of our properties is rentals and we have to cater to the rental community.***” Dr. Anderson stressed this cannot be good for the communities of Clayton County. He stated that if the Board fails to vote to increase the 2014 budget for the Clayton County Police Department or re-establish the budget, then the Board upholds the interest, standards and values of the rental population and not the homeowners who want a clean, safe, attractive and prosperous county. He thanked the Board for its time and attention.

2) Linda Walker expressed her concerns regarding Clayton County’s Tree Protection Ordinance adopted May 22, 2008. Ms. Walker noted that according to the BOC minutes posted online, there has not been any amendment to this ordinance. She stated this ordinance is being grossly violated on property adjacent to hers on Walt Stephens Road. Ms. Walker affirmed that the Community Development Department employees seem oblivious and unconcerned that this ordinance even existed when they issued a Timber Harvesting permit. As a consequence, not one provision of this ordinance is being enforced and requires the commission to appoint a qualified County Arborist to oversee the administration and enforcement of this ordinance. Ms. Walker commented that county officials informed her this has not been done. The ordinance allowed only Pine, Yellow Poplar, and Sweetgum trees to be a part of this, yet in violations of this ordinance Oak and Hickory trees are being removed. Additionally, this clear cutting method is strictly prohibited by the ordinance with a \$1,000.00 per tree penalty for each violation. Due to the county not enforcing its own laws, her

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adjacent property has been seriously devalued and she has been distressed by the destruction of wildlife. Ms. Walker requested that the Board immediately enforce this ordinance and take appropriate measures with county employees, landowners and loggers who have failed to abide by the provisions of the Clayton County Tree Protection Ordinance.

Chairman Turner told Ms. Walker to give her information to Community Development Director Patrick Ejike, and he would follow-up with a status report.

3) Attorney William J. Atkins, who represents Mark Tuggle in a suit seeking punitive damages, addressed the longstanding matter regarding Mark Tuggle vs. Victor Hill that has come before the Board previously. He acknowledged that Victor Hill's attorney, Winston Denmark, was present in the audience as well. Mr. Atkins stressed that there will be no further negotiations from the previous negotiations that were reached less than a month ago with Victor Hill. He confirmed that the consequences of not agreeing to the settlement will result in the following legal actions: the Board will be litigating with Victor Hill under the Mandamus Act, paying Victor Hill's attorney fees, privileges and defense costs as he challenges the garnishment of his wages/bank accounts, litigating with Atkins and Fife Law Firm in federal court and also paying for the privilege of Attorney Atkins trying to enforce the judgment either on behalf of Interim County Attorney Jack Hancock's firm or whoever the Board chooses to hire to represent the county. Mr. Atkins noted that the Board would spend far in excess of the amount that was agreed to resolve this case. That amount is incidentally \$162,000.00 lower than the federal judgment that was entered against Victor Hill on both his individual and official capacity. He reiterated that it would be more expensive for the Board if it turns this settlement down. Mr. Atkins emphasized that if the Board goes into Mandamus litigation with a sitting Georgia Sheriff on whether he controls his budget, the Board will no longer have the Sheriff's Association on its side. He requested that the Board take advantage of this opportunity and apologized for bringing this matter forth to the public.

6. PRESENTATION: "Clayton County Economic Development Strategic Plan" (presented by Ms. Yulonda Darden Beauford, President/CEO of the Clayton County Chamber of Commerce; Mr. Larry Vincent, Chairman of the Clayton County Development/Redevelopment Authority; and Jason Chernock, Project Manager for Georgia Tech Enterprise Innovation Institute).

Mr. Larry Vincent, Chairman of Clayton County Development/Redevelopment Authority, presented the final product of the Clayton County Economic Development Strategic Plan. He stated the county's

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last comprehensive economic development plan was reviewed more than a decade ago. Since the county would like to continue to study with Georgia Tech, he asked the Board to consider the plan for approval.

Jason Chernock, Project Manager for Georgia Tech Enterprise Innovation Institute, presented a brief overview of the Clayton County Economic Development Strategic Plan. He stated the facilitation of the plan was an eight-step planning process that included the following: organizing a steering committee, organizing a kick-off meeting, reviewing recent initiatives, interviewing seventy different stakeholders, hosting two (2) community forums, and engaging Clayton State University and Atlanta Technical College to see how they could be more involved in supporting the economic growth of the county. Lastly, the study performed a target industry analysis and developed the final strategic plan which outlined the vision, mission and concrete goals that Clayton County could take for economic growth going forward. Mr. Chernock read a list of overall recommendations for the county as follows: 1) working to improve the county's internal/external image, 2) having a relationship between the public/private sector, 3) focusing on Workforce Development, 4) showing how to target industries to Clayton County and attract businesses, 5) recognizing the importance of small businesses and 6) focusing on the impact of higher education in this community. He concluded that the new Strategic Plan the Board had before it gave detailed timelines and action plans on how to implement the plan with specific recommendations.

Ms. Yulonda Darden Beauford, President/CEO of the Clayton County Chamber of Commerce, thanked the Board for allowing her and Larry Vincent, Chairman of Clayton County Development/Redevelopment Authority, the opportunity to serve as co-chairs for the development of the Clayton County Comprehensive Economic Development Strategic Plan. Ms. Beauford reiterated that three-hundred Clayton County residents, business and community leaders, elected officials, municipalities and outside community stakeholders participated in the Strategic Plan process. She emphasized that Clayton County citizens did not want this plan to sit stagnate and not move forward. Ms. Beauford concluded that within this plan are implementations and strategies to help the county move forward and collaboration will be needed from everyone to assist in the economic growth and prosperity of Clayton County. She requested that the Board provide them with a resolution of support of the Clayton County Economic Development Strategic Plan and to also continue to be involved in the implementation process. Ms. Beauford then stated that she would answer any questions the Board might have.

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Commissioner Singleton questioned Mr. Chernock on whether the Board has to enter into another phase of contracting him to continue the work moving forward.

Mr. Chernock stated that the next step really is in the hands of Clayton County stakeholders, such as county, city, private and other institutional entities to form working committees to review the recommendations and put together a more detailed action plan on how to move forward. He affirmed there are no plans to continue a contract with Georgia Tech, and the Institute was excited about working on the Comprehensive Economic Development Strategic Plan for Clayton County. It was a nice way to build a relationship with the county and help the community move forward.

Commissioner Rooks expressed how well the presentation of the Economic Development Strategic Plan was written. She stated she learned a lot about the industry and the betterment of the county's water usage. Commissioner Rooks emphasized that the county would need to find a person as a point of contact to carry this through. She recognized Economic Development Director Grant Wainscott as being a vital part of this plan for the community and looked forward to a working partnership with the municipalities and the private industries that were identified. Commissioner Rooks also noted that the Board has a 0 to 3 month period where it can start immediately after the resolution has been passed, and the Board supports the plan because it sets benchmarks to meet and is attainable. Ms. Rooks thanked Mr. Vincent, Ms. Beauford and Mr. Chernock for compiling this plan.

Chairman Turner echoed Commissioner Rooks' sentiment and also thanked them for the hard work, interviews and community engagement. He expressed his appreciation personally and professionally on what Mr. Vincent, Ms. Beauford, and Mr. Chernock had done with the Economic Development Strategic Plan in helping to move this county forward and stressed that the Board's intention will be to implement an action plan.

7. Theodis Locke, Director of Central Services/Risk Management, presented four (4) items that resulted in the following Board actions.

(NOTE: The entire Purchasing Ordinance for Clayton County, Georgia can be viewed on the MuniCode website. Citizens can access this website via the following website address: <http://library.municode.com/index.aspx?clientId=10562>.)

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1) Approved **Request to Sell County Surplus Items, utilizing GovDeals.com**, as requested by the Central Services Department.

The List of items is as follows:

Lot #43	One Glass Display Case
Lot #44	One Kiosk Television with Cabinet
Lot #45	Set of 4 Blue Diamond Shaped Wire Chairs
Lot #46	15 Televisions
Lot #47	3 Copiers; 1 Greenbar Printer and 1 Printer
Lot #48	24 Letter Size File Cabinets
Lot #152	61 GE Standard 200 Watt Light Bulbs and;
Lot #153	15 Pieces of Office Equipment, 5 Wood Desks, 3 Metal Desks, 3 Bookcases, 3 Computer Tables and 1 Credenza

Vote unanimous.

2) Approved **RFP PKG #10-05 SPLOST Project Management & Consultant Services for Police Precincts & Renovations, Library, Animal Control Facility, and Fire Multi-Purpose Building Construction Projects, Request for Work Authorization Amendment for Animal Control Kennel.** (\$19,847.00/\$900.00). *Funding is available through the 2009 SPLOST funds.* Per Section 2-136 (2) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00, and the Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

Silverman Construction Program was approved as the Project Manager by the Board of Commissioners on August 3, 2010 to provide services on the above-designated SPLOST projects. Silverman was released in February 2011 to begin programming and complete the Animal Control Kennel project. The request for proposals (RFP) for the Architectural Engineering and Construction Manager Services was issued by the County. The initial duration of the project was for twenty-two (22) months;

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however, the project was placed on hold in July 2011. To re-engage the project, Silverman must review the building program to ensure requirements remain accurate and the County must reissue the RFP's. Silverman has submitted a revised fee estimate and an amended Work Authorization form based on the additional time to complete these services.

3) Approved **RFP PKG #10-05 SPLOST Project Management & Consultant Services for Police Precincts & Renovations, Library, Animal Control Facility, Fueling Facility and Fire Multi-Purpose Building Construction Projects, Request for Work Authorization Amendment for Fueling Facility.** (\$116,175.00/\$3,200.00). *Funding is available through the 2009 SPLOST funds.* Per Section 2-136 (2) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00, and the Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

The recommendation is to authorize the Chairman or his designee to execute all necessary documents to accomplish the intent of the contract and authorize the Chief Financial Officer to amend the budget accordingly.

This Work Authorization Request is submitted by Silverman Construction Program Management in order to receive approval to begin program management services for the design and construction of the Fueling Facility. Silverman Construction Program Management was approved as the project manager by the Board of Commissioners on August 3, 2010 to provide services on designated SPLOST projects. The Board of Commissioners amended the contract on June 1, 2013 to include the Fueling Facility project. This Work Authorization Request summarizes the scope of work phases, the schedule and the relevant fees.

4) Approved **RFP PKG #13-21 Architectural Engineering Services for the Construction of the Clayton County Police Precinct, N.E.** (*Brown Design Group, Inc., located in East Point, Georgia*). *Funding is available through the 2009 SPLOST funds.* Per Section 2-136 (2) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and

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services exceed \$25,000.00, and the Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

The recommendation is to award a contract to Brown Design Group, Inc. located in East Point, Georgia, with the highest score of 385.50. This proposal is to provide Architectural Engineering Services. The evaluation committee, consisting of Clayton County employees from the Police Department, Transportation and Development Department and Finance Department, has reviewed the proposals.

8. Ramona Thurman, Chief Financial Officer, presented four (4) Budget Amendments and one (1) Request for Refund which resulted in these Board actions.

1) Approved Budget Amendment #2-69 – Parks and Recreation/FYE 6-30-13, in the amount of \$78,800.00, to amend in revenue collected at the recreation centers to be used for summer camp and to purchase a portable handicap lift at the Steve Lundquist Aquatic Center. Vote unanimous.

2) Approved Budget Amendment #2-27 – Other General Government/FYE 6-30-13, in the amount of \$2,478,042.00, to reimburse the SPLOST Fund for the purchase of a building no longer slated to be utilized for a recreation center (approved by the BOC on 12/4/2012 after an Executive Session). Vote unanimous.

3) Approved Budget Amendment #2-70 – State Narcotics Condemnation Fund/FYE 6-30-13, in the amount of \$14,863.00, to amend in revenue from forfeiture funds for the purchase of bullet proof vests. Vote unanimous.

4) Approved Budget Amendment #2-72 – Other General Government/FYE 6-30-13, in the amount of \$175,000.00, to transfer funds to cover the cost of replacing vehicles where the repair cost exceeds the value of the vehicles. Vote unanimous.

5) Approved a Request for Refund due to an Overpayment of Business License Fees (99 Fashion Nail), in the amount of \$203.17, for Kim Thoa Thi Le of Riverdale, Georgia. Vote unanimous.

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9. Approved Ordinance 2013-149 (**2nd Reading**), an Ordinance adopted under the Home Rule Powers specifically granted to the governing authority of Clayton County pursuant to Article IX, Section II, Paragraph I (B)(1) of the Constitution of the State of Georgia of 1983, amending the Local Act of the General Assembly creating and composing the Clayton County Board of Commissioners and setting forth the general provisions governing Clayton County Government; to amend the Clayton County Code of Ordinances, as amended, specifically Part I, Article II, Section 2-4 "Meetings," Part II, Chapter 2, Article I, Section 2-4 "Meetings," Part II, Chapter 2, Article II, Section 2-32 "Days, Time and Place of Zoning Meetings," and Section 2-34 "Days, Time of Business Meetings"; to remove conflicting language contained elsewhere within the Clayton County Code of Ordinances; to provide an effective date of this ordinance; and for other purposes. Vote unanimous.

The purpose of this ordinance is to establish the Regular Business Meetings "Dates and Time" of the Clayton County Board of Commissioners as the 1st and 3rd Tuesdays of each month at 7 p.m. and to establish the Zoning Meetings "Dates and Time" as the 3rd Tuesday only.

10. Approved Ordinance 2013-158, an Ordinance to amend the Code of Clayton County, Georgia, as amended; specifically Part II, Chapter 2 "Administration," Article III "Boards, Commissions and Authorities," Division 4 "Solid Waste Management Authority," Section 2-85 "Solid Waste Management Authority; Creation; Membership; Powers"; to repeal conflicting laws, ordinances, and resolutions; to provide for severability; to provide an effective date of this ordinance; and for other purposes. Vote unanimous.

The purpose of this ordinance is to authorize an addition of the City of Lovejoy Mayor and a fourth member-at-large to be appointed by the Board of Commissioners to the Solid Waste Management Authority.

11. Approved Ordinance 2013-159, an Ordinance to amend the Code of Clayton County, Georgia, as amended; specifically Part II, Chapter 70 "Personnel," Article I "In General," Section 70-3 "Workers' Compensation"; to repeal conflicting laws, ordinances, and resolutions; to provide for severability; to provide an effective date of this ordinance; and for other purposes. Vote unanimous.

The purpose of this resolution is to pay one-hundred percent (100%) compensation to public safety employees injured in the line of duty regardless of employment status.

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12. Approved Resolution 2013-160, a Resolution to provide further clarification for the general oversight of Constituent Aides in the office of the Board of Commissioners; to repeal conflicting resolutions; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

13. Approved Resolution 2013-161, a Resolution to approve a Special Facility Use Request to allow Commissioner Gail B. Hambrick, the Clayton County Department of Community Development, and The Collaborative Firm, LLC to host a public meeting at the Frank Bailey Senior Center to gain input for the designing of the Cherry Hills community; to authorize the Chairman to perform all acts necessary to accomplish the intent of this resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required; to provide an effective date of this resolution; and for other purposes. The motion carried 4-1. Vice-Chairman Edmondson opposed.

Vice-Chairman Edmondson stated he did not have a concern with the request for Special Facility Use, but he had a question about when the Board engaged The Collaborative Firm, LLC for redevelopment of the Cherry Hills community. He asked if the Board had bid it out or used some other means. Vice-Chairman Edmondson stated he knew the Northeast Tax Allocation District excluded the residential component of that area, but he wanted an explanation of the purpose of doing community meetings in contrast to why the Board engaged The Collaborative Firm, LLC.

Commissioner Hambrick answered that it has been an ongoing project and The Collaborative Firm, LLC has had meetings all over the county, with North Clayton being the last area. The hiring of The Collaborative Firm, LLC was done some years ago.

Interim County Attorney Jack Hancock stated The Collaborative Firm, LLC is being employed under numerous contracts with the county and he was unaware of a specific hiring date.

Vice-Chairman Edmondson said the last contract the Board approved had nothing in the contract that would have been specifically approved by the County Manager or the Director of Community Development.

Mr. Hancock agreed there was a contract that was approved for assistance to be provided to community development proprietors. He did not know if this were a part of that and would need an answer from Director Patrick Ejike of Community Development.

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Vice-Chairman Edmondson then stated it must have been approved by Mr. Ejike since there is no County Manager (if it were approved at all).

Commissioner Rooks interjected there are contracts approved by the department.

Mr. Hancock stated the scope of work would be designated by someone other than the Board under that contract.

Vice-Chairman Edmondson asked if Mr. Ejike authorized this contract or if there had been a separate RFP.

Mr. Hancock confirmed there are no RFP's and he had verified that. He added there was a general authorization that resulted in a contract that was approved several years ago.

Chairman Turner asked Mr. Ejike to come forward to give an explanation.

Mr. Ejike responded this was part of the budget process itemized in the last fiscal year budget, and the design work for Cherry Hills is outlined in it.

Vice-Chairman Edmondson questioned if it were the design work regarding the Northeast Clayton Tax Allocation District.

Mr. Ejike explained that this matter concerns only the Cherry Hills community and what can be done with that area.

Vice-Chairman Edmondson asked if this matter had anything to do with proposed or discussed CID's.

Mr. Ejike replied no, it does not and while The Collaborative Firm, LLC is doing its ongoing studies, suggestions will come as to what can be done.

Vice-Chairman Edmondson surmised that the Board of Commissioners approved a study of the Cherry Hills redevelopment a year ago. He stressed that it appeared that the Community Development Department approached this the wrong way and asked how much the firm is charging the county.

Mr. Ejike stated the fees were outlined in the budget and a contract was signed.

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Commissioner Hambrick interjected that it is not only Cherry Hills, but other communities too.

Chairman Turner asked when the meeting would take place.

Commissioner Hambrick answered that the meeting is scheduled Thursday, June 20, 2013.

Vice-Chairman Edmondson asked if the meeting had been advertised.

Mr. Ejike responded no, and community officers are being used.

Mr. Hancock requested that the Board appoint a hearing officer to hear appeals by Central Services. He added that the motion tonight would be to authorize the Chairman to appoint a hearing officer to handle bid protest matters, and that individual would be paid in accordance with outside counsel fees.

Motion by Commissioner Rooks, second by Chairman Turner, to authorize the Chairman to appoint a hearing officer for bid protest matters. Vote unanimous.

Mr. Hancock requested an Executive Session regarding litigation and a potential litigation matter. The Board generally consented to have an Executive Session for the aforementioned reason.

14. Motion by Chairman Turner, second by Commissioner Rooks, to reappoint Deborah Lazarus to the Department of Family and Children Services (DFACS) Board. Vote unanimous.

15. Motion by Commissioner Hambrick, second by Commissioner Rooks, to reappoint Patricia Shepherd to the Library Board. Vote unanimous.

Motion by Commissioner Singleton, second by Commissioner Rooks, to reappoint Jeanell Bridges to the Library Board. Vote unanimous.

Motion by Chairman Turner, second by Commissioner Rooks, to reappoint Brenda Morant to the Library Board. Vote unanimous.

16. Motion by Commissioner Singleton, second by Chairman Turner, to nominate Terrica Ganzy to the Mental Health, Developmental Disabilities, Addictive Diseases Community Service Board. [NOTE: Ms. Ganzy is a new member on this board, replacing Robert Reynolds.] Vote unanimous.

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Motion by Chairman Turner, second by Commissioner Rooks, to reappoint Priscilla “Pat” Schmidt to the Mental Health, Developmental Disabilities, Addictive Diseases Community Service Board. Vote unanimous.

Motion by Commissioner Hambrick, second by Commissioner Singleton, to reappoint Gabrielle Starr to the Mental Health, Developmental Disabilities, Addictive Diseases Community Service Board. The motion carried 4-1. Commissioner Rooks opposed.

17. ZONING PETITION: [BOARD DECISION ONLY – Deferred from the 6-11-13 RBM.]

TowerCom V, LLC/Conditional Use Permit/211 Highway 138/Case Number CUP201304-01

1) Motion by Vice-Chairman Edmondson, second by Commissioner Rooks, to approve the zoning petition of Larry Dingle and Harold Buckley, Jr. of Wilson, Brock, & Irby, LLC, on behalf of TowerCom V, LLC, requesting a conditional use permit granted from Article 3.25 Neighborhood Mixed Use (NMX) District for a Wireless Telecommunication Facility (cell tower) upon property located at 211 Highway 138, and otherwise known as parcel number 13212B A003. The subject property is approximately 3.86 acres of undeveloped land, which is currently zoned NMX. This property was approved with the following stipulation: to install a concealed tower structure with a tree-like structure that will reduce the maximum height of the tower to 180 feet tall. [**Commission District # 4 – Commissioner Michael Edmondson**] Vote unanimous.

Vice-Chairman Edmondson inquired about the Board’s question on the amount of cell phone usage and if it were appropriate for the applicant to address this subject.

Zoning Administrator Kc Krzic responded yes, it was appropriate at this time.

Harold Buckley, Jr. of Wilson Brock & Irby, LLC, located at 2849 Paces Ferry Road in Atlanta, Georgia, stated he was present on behalf of TowerCom and could answer any questions the Board had.

Vice-Chairman Edmondson inquired about the information of 33,470 unique mobile devices being used by TowerCom customers within the gap. He asked for clarity, on the issue of the gap being caused by the one tower and not the two towers that currently exist.

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Mr. Buckley responded this is the total gap area for two towers and, in order to address this gap, TowerCom would need the approval of both towers.

Vice-Chairman Edmondson questioned the number of unique mobile devices, and if that meant one phone versus another phone. He wondered if it mattered how many times he used his phone or if it applied to one call per unique mobile device.

Mr. Buckley responded it applied to one call per unique mobile device.

Vice-Chairman Edmondson asked if that meant it could be a lot more if he made two calls in one day.

Melissa Ugarte, Metro PCS Radio Frequency Engineer, stated unique means one specific phone and is only looked at as one phone call.

Vice-Chairman Edmondson verified that within a two (2) mile gap, including both towers, 33,470 mobile devices would have been used at least once. He noted that approximately forty-two percent (42%) of the total residential population represents a lot of users in a short period of time. This accounted for every single resident being a customer and using a phone every day during the study period.

Mr. Buckley answered not necessarily, because each is a unique mobile device per household.

Chairman Turner questioned TowerCom's analysis. He asked how it accounted for devices traveling through that area at the time it was counting. He reiterated that Mr. Buckley was speaking of households but he wanted to know how many were mobile.

Ms. Ugarte stated that each individual call when traveling can have multiple usages, but it would still be considered as one unique mobile device.

Chairman Turner questioned whether there is a distinction between a phone going through and one that is stationary (used by a resident in that area).

Ms. Ugarte replied that all calls are counted as equal.

Chairman Turner questioned how much radius one tower would carry in mileage.

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Ms. Ugarte answered that it would be one mile.

Chairman Turner asked if there would be a greater range with a higher tower.

Melissa Ugarte answered that this was true. Mr. Buckley interjected the current provision is 180 feet but TowerCom asked for 195 feet, and that height will only be achieved with a monopole. Since TowerCom has agreed for both towers to be concealed structures made to look like pine trees, that automatically reduces the height from 195 feet to 180 feet (which is the maximum height for concealed structure.)

Chairman Turner asked if 195 feet will cover the gap with one tower.

Ms. Ugarte replied no, because it ends up being approximately 2 miles for both towers to get appropriate coverage.

Vice-Chairman Edmondson asked if the 33,000 mobile devices were split to represent one tower versus both towers in the existing gap because this still pertains to several thousands of residents. He stated if that is the case, it is reasonable to say that it does not create an adverse effect to the community. He noted from the previous meeting that according to the **World Health Organization** and the **National Cancer Institute**, there is no scientific evidence that radio frequency signals from day stations and wireless networks cause adverse health effects. He concluded that he would make a recommendation for approval.

Motion by Commissioner Rooks, second by Vice-Chairman Edmondson, to go into Executive Session in the Commissioners' Conference Room at 8:03 p.m. to discuss a litigation matter. Vote unanimous.

Motion by Commissioner Rooks, second by Chairman Turner, to go out of Executive Session at 8:42 p.m. Vote unanimous.

Motion by Commissioner Rooks, second by Vice-Chairman Edmondson, to reconvene the Regular Business Meeting in the Commissioners' Boardroom at 8:43 p.m. Vote unanimous.

There being no further business to discuss, motion by Commissioner Rooks, second by Chairman Turner, to adjourn the Regular Business Meeting of June 4, 2013 at 8:43 p.m. Vote unanimous.